

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT
OF TENNESSEE, EASTERN DIVISION

MICHAEL G. ROBINSON and
FREDRICK J. IVORY

Plaintiffs,

v.

CIVIL ACTION NO. 1-04-1126
JURY DEMANDED

WILLIAM F. HARKNESS, JOSEPH E.
LANE, JOHN DOE, PERMANENT
GENERAL ASSURANCE CORPORATION
JOHN WILLIAMS, RICHARD A. WILLIAMS,
Individually and on behalf of LANE WILLIAMS,
a minor,

Defendants.

FILED BY SJ D.C.

05 OCT - 3 AM 8:38

ORDER OF DISMISSAL AS TO
PERMANENT GENERAL ASSURANCE
CORPORATION ONLY

Come now the Plaintiffs and Permanent General Assurance Corporation, and announce to the Court that they have agreed that this suit, insofar as it expresses a claim against Permanent General Assurance Corporation, shall be dismissed as to Permanent General Assurance Corporation subject to certain conditions. Based on the foregoing, it is hereby,

ORDERED, ADJUDGED, AND DECREED that

1. This suit, insofar as it expresses a claim against Permanent General Assurance Corporation, is hereby dismissed without prejudice to its being refiled.

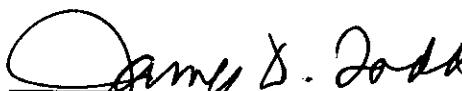
2. The action against Permanent General Assurance Corporation may be reinstated without reissuance of process upon notice to Permanent General Assurance Corporation that the liability insurance coverage afforded to Michael Robinson, has been denied, or that the coverage has otherwise failed.

3. With regard to any reinstated action, Permanent General Assurance Corporation expressly waives any defense it might have based on the saving statute T.C.A. § 28-1-105, or any other applicable statute of limitations.

4. Further, with regard to any reinstated action, Permanent General Assurance Corporation will waive objection to not having been a party to discovery as long as copies of all written and previously transcribed discovery are provided to Permanent General Assurance Corporation once action against it is recommenced. This waiver is not an agreement that this Defendant will forgo any future discovery once made a party to the lawsuit again.

5. Costs attributable to the claim against Permanent General Assurance Corporation will be taxed in accordance with the final order of judgment or dismissal entered in this matter.

Entered this 3rd day of October, 2005.



MAGISTRATE, U. S. DISTRICT COURT



Judge

APPROVED FOR ENTRY:

Katherine B. Steuer

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to R. Dale Thomas, Esq., POB 1147, Jackson, TN 38302 and John S. Little, Esq., POB 726, Jackson, TN 38302, this 19th day of September 2005.

T. Verner Smith
T. VERNER SMITH



Notice of Distribution

This notice confirms a copy of the document docketed as number 55 in case 1:04-CV-01126 was distributed by fax, mail, or direct printing on October 4, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT